

Office of the Public Guardian
Supreme Court of Guam

2005 Annual Report

January 1, 2005 – December 31, 2005

John Weisenberger
April 24, 2006

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Office of the Public Guardian 2005 Annual Report

To Summarize

- 133 referrals in 2005; a total of 541 referrals in five years; from both families and agencies, as of 12/31/05.
- Public Guardian now guardian of 44 adult men and women, managing more than \$140,000.00.
- All checking accounts consolidated into one account managed by the Financial Management Division of the Superior Court of Guam.
- Two full time staff; the Public Guardian and a Legal Secretary. A third staff joined the office in January 2006.
- 4 mandated responsibilities beyond the primary role to serve as guardian.

- **The office has not been able to keep pace with case work appropriately referred to office.**

- Report sets out, with specificity, the work that is undone and pending, and required to be completed under statutory mandate, to include:
 - 16 cases pending appointment of Public Guardian;
 - 5 cases pending appointment of a family member as guardian;
 - 12 cases awaiting closure but financial reports not completed;
 - 7 referrals received and pending conduct of intake.

- **There continues to be need for comprehensive program of therapeutic home services, both within the family setting, and as an alternative to family care.**

- The Office of Public Guardian must lead by example, and seeks to modernize its practices within the existing Guam law.

- The Office of the Public Guardian provides an important role in the community, serving our most vulnerable adults, both our manamko, and persons with serious cognitive and psychological disabilities.

- In this coming year, the Office of the Public Guardian will assess staffing requirements, given the new position now available to the office and the shift in management of finances and preparation of financial reports.

April 24, 2006

John Weisenberger, Public Guardian



OFFICE OF THE PUBLIC GUARDIAN

Supreme Court of Guam



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John Weisenberger
Public Guardian

This report of the activities of the Office of the Public Guardian is prepared pursuant to 7 GCA §3112(g) for the Chief Justice of the Supreme Court of Guam. It covers the period January 1, 2005 through December 31, 2005.

Maintaining An Office

The Office of the Public Guardian began the year in the original location of the office, at Suite 104, 259 Martyr Street, Hagatna, Guam. In September, 2005 the Office of the Public Guardian moved to the Old Court Building, at 110 West O'Brien Drive, Hagatna, Guam. This office is directly across O'Brien Drive from the Agana Public Library.

The new location of the Office of the Public Guardian is five rooms, three of these rooms include the reception room, which is the office for the Legal Secretary, and offices for the Public Guardian and a Social Worker. One room provides for storage of supplies and documents and one room has the computer server, a refrigerator, water cooler and coffee maker.

The office is connected by a doorway to the Adult Drug Court, and by another doorway to Adult Probation. These doors are kept closed and can be locked. The conference rooms for the Adult Drug Court and Probation are available to the Office of the Public Guardian.

Staffing the Office

In 2005, the Office of the Public Guardian was staffed by the Public Guardian and a Legal Secretary. The same individuals have held these positions since 2001. Having consistent staff for five years has enabled the Office of the Public Guardian to provide a high level of services with two staff.

Beginning in January, 2006, a Probation Officer I will be 'detailed' to the Office of the Public Guardian. This individual will be trained to provide basic case management services, primarily to wards of the Public Guardian, and to conduct intake interviews. The addition of one staff to support both the work of the Public Guardian as well as the work of the Legal Secretary will enable the office to provide greater services on a more timely basis.

Reaching Out

The Office of the Public Guardian has continued to conduct a modest outreach program, appearing before groups and working directly with organizations that serve senior citizens and individuals with disability. There has not been a more aggressive outreach program, in part due to the small size of the staff, and in part due to the continued high level of referrals this year from various organizations and directly from individuals, themselves (133 referrals in 2005; a 20 % increase over 2004).

Because of these factors, it appears that there is wide recognition in the community of the existence and purpose of the office. In addition, the responsibility to teach the community about guardianship and alternatives to guardianship is carried out primarily on a case by case basis at the time of each intake with individuals and families, and continues throughout each case.

Referrals and Casework

2005 Referrals:

In 2005 the Office of the Public Guardian received 133 referrals.¹

The referrals in 2005 were from:

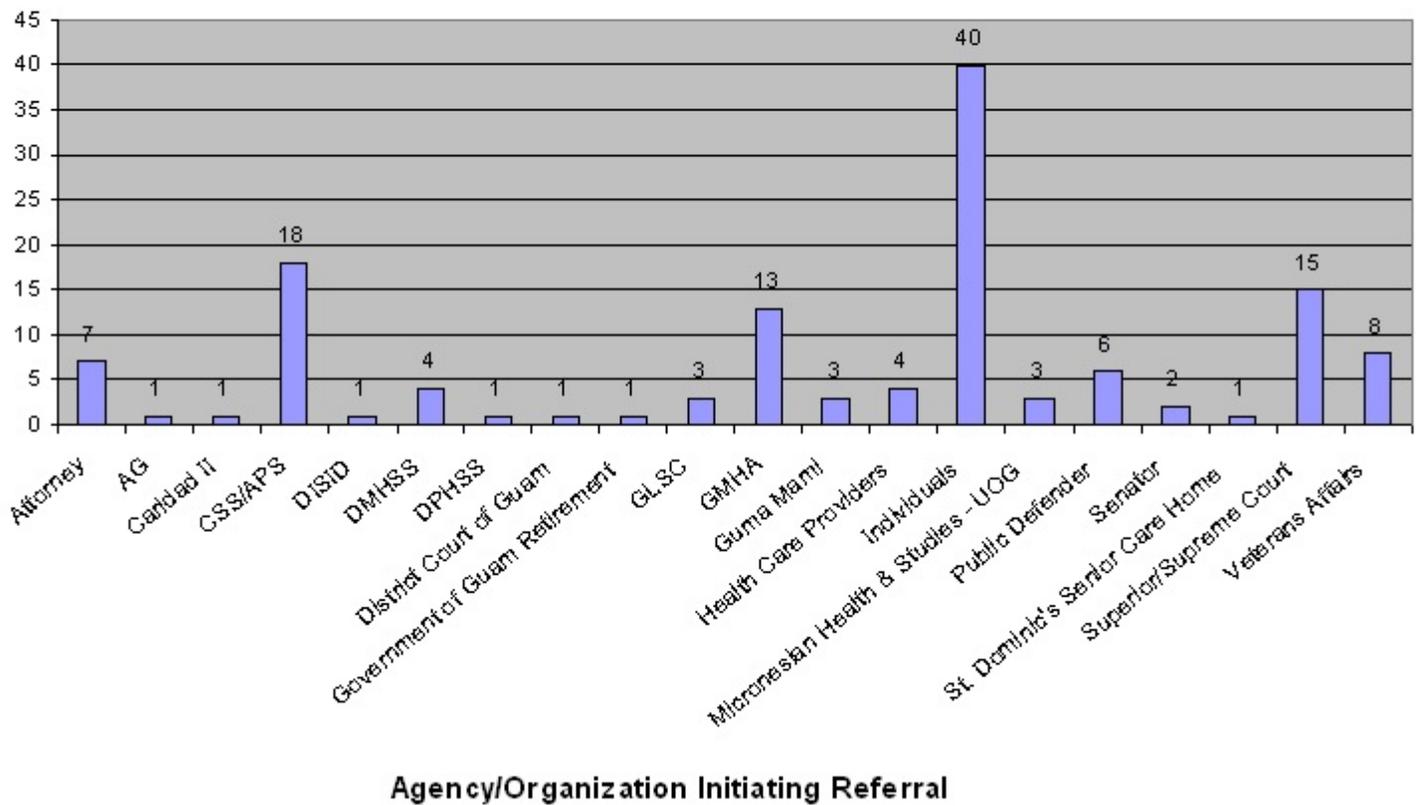
Private individuals and families; self-referrals	40
Catholic Social Service /Adult Protective Services	18
Supreme Court and Superior Court	15
Guam Memorial Hospital	13
Veterans Affairs	8
Attorneys in private practice	7
Public Defender	6
Department of Mental Health and Substance Abuse	4
Private Health Care Providers	4
Micronesian Health and Aging Study - UOG	3
Guma Mami	3
Guam Legal Services	3

¹ *There were 86 referrals in 2001; 90 referrals in 2002; 122 referrals in 2003; 110 referrals in 2004.*

Senator	2
Attorney General	1
CARIDAD II	1
Department of Integrated Services with Individuals With Disabilities	1
Department of Public Health and Social Services	1
U.S. Probation - District Court of Guam	1
Government of Guam Retirement Fund	1
St. Dominic's Senior Care Home	1

2005 Office of the Public Guardian Referrals/Intakes

Total Referrals/Intakes: 133



Referrals this year resulted in **110** cases being opened, **7** referrals which are pending intake, and **16** referrals which were outside of the scope of the services offered by the Office of the Public Guardian. (See Appendix I). Of the matters opened this year, the cases fell into the following categories (established by the Public Guardian Act; 7 GCA § 3112 (a)):

- 18** Public Guardian to serve as the guardian; no family or friend willing or able to do so. **15%** (of cases opened or pending intake)
- 29** Advise and assist individuals seeking appointment as guardian. **25%**
- 9** Assist the Court, as directed, in proceedings for the appointment of a guardian, and in supervision of persons appointed guardian. **8%**
- 2** Provide advice, information and guidance to individuals appointed as guardian for an adult. **2%**
- 52** Offer guidance and counsel to persons requesting assistance, encouraging maximum self-reliance and independence, and avoiding guardianship. **44%**
- 7** Referrals which are pending an intake interview. **6%**

Open Cases:

As of December 31, 2005, the Office of the Public Guardian had **89** open cases.² An open case is a matter in which the Office of the Public Guardian has accepted responsibility to accomplish some purpose consistent with one of the five mandated responsibilities established in the enabling legislation for the office. A breakdown of the open cases, by year, follows:

From 2001	19 open cases	15 cases; 1 case; 3 cases;	Public Guardian appointed Petition filed, ward missing person Guardianship appointments, ward deceased
From 2002	18 open cases	12 cases; 2 cases; 1 case; 3 cases;	Public Guardian appointed Pending Public Guardian appointment Pending Family member appointment Guardianship appointments, ward deceased

² As of 12/31/01, 26 open cases; 12/31/02, 57 open cases; 12/31/03, 58 open cases; 12/31/04, 95 open cases.

From 2003	9 open cases	5 cases; 1 case; 3 cases;	Public Guardian appointed Pending Public Guardian appointment Guardianship appointment, ward deceased
From 2004	13 open cases	5 cases; 2 cases; 2 cases; 3 cases; 1 case;	Public Guardian appointed Pending Public Guardian appointment Pending Family member appointment Serving Family Guardianship appointment, ward deceased
From 2005	30 open cases	6 cases; 11 cases; 2 cases; 9 cases; 2 cases;	Public Guardian appointed Pending Public Guardian appointment Pending Family member appointment Serving Family Guardianship appointment, ward deceased

The Public Guardian as Guardian for Individuals:

The Public Guardian is currently appointed as guardian for 44 individuals.³ These appointments represent different roles and responsibilities, as noted in part, in this breakdown:

Guardian of the Person and Estate	24 individuals
Co-guardian of the Person and Estate	3 individuals, sharing this duty with a family member
Guardian of the Estate	8 individuals

³ Guardian of 13 at end of 2001; guardian of 25 at end of 2002; guardian of 30 at end of 2003; and 43 at end of 2004.

Guardian of the Person	1 individual
Limited Guardian of the person and/or estate	3 individuals
Guardian Ad Litem	5 individuals, in 4 cases (2 probate cases, 1 criminal case, and 1 guardianship case).

As guardian of the person, the Public Guardian is responsible for assuring that each ward has safe and appropriate housing, receiving the necessary therapeutic care required by the individual's disability or medical condition; that each ward is associating with the proper people, and not associating with the wrong people; that each ward is receiving appropriate and necessary medical and dental care; and that each ward has the opportunity to maximize life's potentials and opportunities, for example, vocational potential.

As guardian of the estate, the Public Guardian is responsible for identifying and gathering an individual's property; identifying and collecting all income and public or private benefits accruing to the individual; holding and protecting the individual's wealth and money; and providing for all of the physical and financial needs of the individual.

Because of the nature of the appointment, as a guardian for an individual who is not able to manage personal or financial affairs without the assistance of another, these matters are the first priority of the Public Guardian. All other matters which are the responsibility of the Public Guardian, due to legislative mandate, are necessarily subordinate to the responsibility to meet the needs of the wards.

In three cases the Public Guardian shares responsibility as guardian with a co-guardian. This arrangement is made, with the co-guardian typically being a family member, in order to involve the family and share the responsibility for decisions concerning the ward. This arrangement also allows for the Public Guardian to provide necessary technical and advocacy support to a family member who would likely decline to serve as guardian without the Public Guardian's shared responsibility.

Accounting For Ward Money

At the beginning of this year, the Public Guardian maintained individual checking and savings accounts at the Bank of Guam for those wards whose money was under his control. In the course of an audit by the Office of the Public Auditor, and based upon recommendations from the Public Auditor, it was decided to transfer funds being held in individual checking accounts to a single checking account under the control of the Financial Management Division of the Superior Court of Guam.

On October 1, 2005, the process of placing funds from individual checking accounts into a single checking account was carried out. The Public Guardian continues to be responsible for deciding whether to expend ward funds on behalf of each ward. The Financial Management Division is now responsible for producing individual checks as approved by the Public Guardian, maintaining subsidiary records of each ward's balance in the single account, and produce statements, as needed by the Public Guardian, of the activity in each account.

In the course of the transition to the single checking account under the management of the Superior Court of Guam, the two offices worked together to develop necessary documentation and record keeping so that the Public Guardian continues to be responsible for the decision process, while the Administrator of the Financial Management Division is responsible for issuing checks and managing subsidiary records. Three advantages are expected from this change. First, there is a separation of responsibility for the preparation of checks and the disbursement of funds. This is considered an important internal control against the misappropriation of funds held in trust. Second, the Office of the Public Guardian is relieved of responsibility for the preparation of individual checks. Third, the development of financial reports based upon an analysis of money received and money disbursed will be more timely as the detail report will be provided by the Division of Financial Management from a computer-generated printout.

While the transition of these fund disbursement responsibilities is being completed, the management of individual savings accounts has remained with the Office of the Public Guardian. As there are very few transactions in these accounts, the transition of ward savings accounts to the Division of Financial Management will occur within the coming year. Currently, the Office of the Public Guardian maintains 13 savings accounts on behalf of wards.

The basic principals for handling and managing revenues (ward money coming into the hands of the Public Guardian) and disbursements (ward money being spent by the Public Guardian) remain the same. Consistent with past practice, the receipt of all ward money is deposited into either the checking account maintained by the Superior Court, and credited to a specific ward, or deposited into a savings account maintained by the Office of the Public Guardian on behalf of a specific ward. To the extent possible, ward revenues are electronically transferred into the appropriate account by the entity paying the money to the ward. Examples are Social Security benefits, Veterans benefits, and GovGuam Retirement benefits. If actual checks are received on behalf of a ward at the Office of the Public Guardian, the check is deposited into the checking or savings account as soon as practical. An example is a pay check earned by a ward, and supplemental benefits payed by the Department of Administration to a recipient of GovGuam retirement benefits.

For the most part, actual cash receipts being received by the Public Guardian on behalf of a ward are generally limited to two occasions. First, on occasion the Public Guardian will receive cash back from a care giver as money which is not spent for a given purchase or transaction. Second, for those wards receiving public assistance, the monthly payment is received through a plastic card, the 'Quest card'. This is a type of debit card and cash can either be received at an ATM machine, or items can be purchased at a retail outlet as with a debit card. In order to control these funds (usually about \$150.00 a month for an individual) the Public Guardian withdraws the money from the 'Quest' account at an ATM machine. This is typically done in the lobby of the Bank of Guam in Hagatna. The funds withdrawn are then immediately deposited into the Superior Court checking account maintained for the wards. As a policy, cash is not held in the office or by the Public Guardian for more than one business day, and usually deposited on the same day received.

All expenditures are documented by a check drawn or a withdrawal made, and by a receipt or receipts which establishes that the Public Guardian paid out funds to a given person or entity for a stated purpose. No cash owned by a ward is held in the Office of the Public Guardian, or held by the Public Guardian except for the brief period of time cash may be held to deliver to a ward, or a care giver for a ward. Such cash transactions are always documented with a receipt signed by the individual receiving funds from the Office of the Public Guardian.

In this manner, for every transaction, whether it be for money received, or money payed out, there is both a record of the transaction maintained by the bank and a record of the transaction, with accompanying justification, maintained by the Office of the Public Guardian.

Two Audits of Fiduciary Accounts

There have been two audits of the fiduciary accounts and of the moneys held by the Public Guardian in trust for his wards during 2005. The first audit was conducted by the Social Security Administration in July, 2005. The second audit, by the Office of the Public Auditor is ongoing.

In July, 2005 the Social Security Administration sent two auditors to review records and activities of the Office of the Public Guardian for seventeen wards who are recipients of Social Security benefits. Coincidentally, this audit occurred at a time when the Public Guardian was on annual leave. Fortunately, the Public Guardian was available for entrance and exit interviews, and the legal secretary was able to assist the auditors to find all of the information needed to complete the examination of records, and was able to facilitate visits by the auditors with some selected wards. See Appendix II, a copy of the letter received by the Public Guardian from Ms. Lisa Leong shortly after her return to Hawaii. The Office of the Public Guardian received a positive report with no deficiencies noted.

In August 2005 the Office of the Public Auditor began an audit of all of the fiduciary accounts of the Office of the Public Guardian. See Appendix III, a copy of the letter received from the Public Auditor initiating this audit. As of December 31, 2005, the audit is not completed.

Deceased Wards

As this report notes, there are twelve cases in which a ward has died and the case remains open. As previously reported, the need to complete financial reports is the reason that these matters remain open with the Superior Court of Guam. Two such cases, open at the end of 2004, have been successfully closed in 2005. As is reported below, there is reason to expect that the Office of the Public Guardian will complete the necessary work so that these matters are properly resolved.

Additional Mandated Roles of the Public Guardian

The Public Guardian Act, at 7 GCA § 3112 (a), mandates six responsibilities of the Office of the Public Guardian. These responsibilities are:

- (1) to serve as the guardian of the person and/or estate of an incompetent adult when there is no family or friend willing or able to do so;
- (2) to advise and assist individuals, family or friends seeking appointment as guardian for an incompetent adult;
- (3) to assist the Court, as the Court may direct, in proceedings for the appointment of a guardian, and in supervision of persons which have been appointed as guardian;

- (4) to provide advice, information and guidance to individuals who have been appointed as guardian for an adult;
- (5) to offer guidance and counsel to persons, to encourage maximum self reliance and independence of such persons, and avoid the need for appointment of a guardian;
- (6) to develop programs for public education on guardianship and alternatives to guardianship and encourage the development of private guardians able and willing to serve as guardian.

As set out at page 4, above, there were 92 referrals which came to the Office of the Public Guardian concerning mandated responsibilities # 2 through #5, above. This is a 35% increase in these types of referrals over 2004. The great majority of these matters, 81 cases, involved either assistance to individuals and families seeking guardianship for an adult (a #2 type of case), or assistance to individuals seeking to maintain independence and avoid the need for a guardian (a #5 type of case).⁴

Only limited effort has been invested directly into mandated responsibility #6, the development of programs for public education on guardianship and alternatives, and the development of private guardians. However, much of the work done on cases handled by this office, work which is done directly with families and the agencies that provide services to these families, addresses the core goals of mandate #6, albeit, on a case by case basis. Considerable time and effort is invested in this manner to teach important, fundamental information about competence, informed consent, the guardianship process, alternatives to guardianship, and in the development and support of competencies among clients and their families. However, a sustained and comprehensive outreach program to address mandate #6 will require the commitment of financial resources.

Pending Matters

_____ It is of great concern that there is an increasing list of pending matters to be handled by the Office of the Public Guardian. This list includes:

- Twelve cases to be closed for wards now deceased. (Ten on 12/31/04).
- Sixteen cases, Public Guardian to be appointed as guardian of person and/or estate.⁵ (Seven on 12/31/04).
- Five cases, family member to be appointed pursuant to petition to be filed by the Office of the Public Guardian. (Seven on 12/31/04).
- Seven intakes pending appointments. (Seven on 12/31/04).

⁴ Concerning mandates #2 and #5, there were 16 cases in 2001; 33 in 2002; 62 in 2003; and 68 in 2004.

⁵ Six of these cases are added at end of 2005 and are veterans who have the Clerk of Court as Guardian of Estate.

Assessment

Much work is being accomplished as mandated by the Public Guardian Act. The priority, as it must be, is on the responsibility the Public Guardian has toward his wards. Other important work is being accomplished. As the Office of the Public Guardian has been operated up through 2005, it is clear that there are not enough human resources available to complete all of the mandated services established in the enabling legislation.

Two significant changes can affect the workload dilemma faced by the office in the future. First, beginning in the first week of January, 2006, a Probation Officer will be detailed full-time to the Office of the Public Guardian. In December, 2005, the Public Guardian joined the Chief Probation Officer in the recruitment and selection of three new probation officers. One of those new probation officers is assigned to work with the Public Guardian, to assume case management and other responsibilities. This 'detailed' assignment will last for 18 months. At the conclusion of 18 months, another probation officer will be assigned to work with the Public Guardian.

Second, significant accounting and banking responsibilities for the fiduciary accounts of individual wards has already shifted to the Financial Management Division of the Superior Court of Guam. Although this change has not reduced the work load of the legal secretary (it has seemingly increased this work load), it has reduced the workload of the Public Guardian. In addition, once the financial statements for each ward have been completed through September 30, 2005, (still to be done by the Public Guardian and the legal secretary manually) then the burden of completing financial statements on a timely basis will be dramatically reduced. Not only will there be no reason for failing to produce a timely financial report, the time required of the Public Guardian and the legal secretary to accomplish this responsibility will be minimal, compared to the periods 2001 through 2005.

Policies, Procedures and Rules

The Policies, Procedures and Rules of the Office of the Public Guardian (hereafter, the Rules) were adopted by the Guam Legislature in February 2004 by virtue of the Guam Administrative Adjudication Law. These Rules now govern the operations of the Office of the Public Guardian.

It is recognized that the Rules require amendment, as noted in last year's report, to incorporate comprehensive policies and procedures concerning money management. These amendments should be considered and developed as soon as the Public Auditor has completed the audit and provided a final report to the Chief Justice and the Public Guardian. Any amendment of the Rules should include consideration of the Public Auditor's recommendations.

Public Guardian Review Board

_____The Public Guardian Review Board met three times in 2005. The membership of the review board has changed due to the resignation of several members. The current members are:

William J. Brandshagen
Kathleen Maher
Alejandrina E. Cacho

Ann San Nicolas
Bernadita Grajek
Sarah Thomas-Nededog

The vacancies on the board include:

- a psychiatrist, to be appointed by the Director of the Department of Mental Health and Substance Abuse
- a physician, to be appointed by the Administrator of the Guam Memorial Hospital
- a representative of a non-profit organization providing services to those with developmental disabilities, to be appointed by the Speaker of the Legislature;
- two members at large, to be appointed by the Speaker of the Legislature.

The Public Guardian Review Board met on March 10, 2005, June 9, 2005, and September 8, 2005. The regularly scheduled meeting for December 2005 was cancelled due to a lack of a quorum. The board adopted Rules of Order during 2005, and pursuant to these rules, elected a chairperson for the board. (See Appendix IV - Rules of Order).

The board continues to review the care and protection of those persons who are wards of the Public Guardian. At each meeting, board members inquire of the Public Guardian on the status of specific guardianships. Those guardianship cases to be discussed are identified by either a member of the board or by the Public Guardian. Highlights and important issues in a given case are discussed among the members with the Public Guardian. A number of cases, usually about five, are discussed at each meeting. It has not been possible to review every guardianship case in this manner.

In previous years, individual members took responsibility to review, in advance of a meeting, one or more case files in order to report back to the entire board on the cases reviewed. This practice was not continued by the board during this year.

This entire approach is of limited help to the Public Guardian, and does not truly address the mandate of the law, that is, to conduct a critical review of the work and service of the Public Guardian on behalf of his wards. The board is aware of these limitations and is desirous of developing an oversight approach that will enable them, given their limited time, to truly review guardianship cases and provide constructive feedback and criticism. Both the Public Guardian and the review board believe that a more meaningful review process will not only provide protection to those vulnerable individuals who are wards of the Public Guardian, but will result in improved services, and an improved program for all wards.

As in past years, the board has been unable to respond to a second mandate, that is, to consistently monitor persons, corporations or agencies appointed as the guardian of the person by the Superior Court of Guam. Neither the Public Guardian Review Board nor the Office of the Public Guardian have the resources necessary to accomplish this task. There has been no progress on the part of the review board or the Public Guardian in discerning a means or mechanism for accomplishing this mandated.

Volunteer Program

The Office of Public Guardian continues to have a modest volunteer program. As of the end of the year, there are two volunteers that provide assistance to the program. Both volunteers are retired from active employment and are able to offer some assistance. One volunteer visits with certain wards who reside in institutional settings (as opposed to their own homes). The other volunteer assists with interviews and intakes, and provides limited consultation on the issues presented.

As noted in previous annual reports, an expanded and sophisticated volunteer program is possible in the Office of the Public Guardian, but only if a coordinator of volunteer services can be hired or retained. At this time, however, all efforts to expand the volunteer program from its current size are not feasible.

Guardianship Practice on Guam

The 2004 Annual Report raised some areas of concern for both the practice of guardianship in the Office of the Public Guardian, and the practice of guardianship as managed by the Superior Court of Guam. As of December 31, 2005, the problems cited have not been resolved. As is noted in preceding sections of this report, significant changes at the Office of the Public Guardian are expected to result in more and better services to our wards and clients, better management of funds, and more timely submission of court reports. Nonetheless, as of December 31, 2005 important concerns remain. The most important are noted here.

Office of Public Guardian

- Case files do not contain written plans for either the personal needs of a ward, or the financial needs of the ward, and do not contain annual updates to these plans.
- Inventories are not being compiled and filed timely with the Superior Court of Guam.
- Annual financial statements are not being timely filed with the Superior Court of Guam (this is required by statute on Guam).

Substantive Guardianship Law and Practice

- Guam guardianship law has not been amended or updated since the early 1950's and fails to reflect any modern concepts of guardianship practice or procedure.
- Guam guardianship law reflects some procedural requirements intended to protect a ward's estate, but no procedural requirements or practices intended to protect the person of the ward.
- In practice, the judges of the Superior Court of Guam do not take any steps to review the work (or lack thereof) of guardians who have been appointed for the person or the estate of an individual. As a result, there are no checks or balances currently at play in the system. (In our practice, the Office of the Public Guardian requests of the Court, and schedules either bi-annual or annual progress hearings in every case for which the Public Guardian is appointed, and does, therefore, face the appointing judge to justify the continuing need for appointment of a guardian, and answer to the condition and state of the person and estate of the ward.)
- There is no court program in place to visit with and confirm the well-being of persons who are subject to a guardianship.

The Office of the Public Guardian has established, through its Rules, a Code of Ethics and Standards of Practice by adopting the model ethics and model practices established by the National Guardianship Association. This office has, to date, fallen short of the mark we have set in our policies. The Office of the Public Guardian is aware of the established ethics and standards and is seeking to achieve those in every case.

For guardianship practice on Guam, as a whole, there is no established code of ethics or standards of practice. The guardianship code, itself, does not reflect any modern concepts. For example, the definition of 'incompetent' in the law is not reflective of current medicine or psychiatry, and not reflective of current societal norms concerning decision-making capacity, and society's responsibility toward individuals whose capacity is impaired.

The Legislature, in enacting the Public Guardian Act, implicitly promoted a territorial policy of enhancing the quality of guardianship services on Guam. This is good public policy because adults requiring a guardian are a vulnerable class of people in our community. That so little time and energy is devoted to assuring that these individuals are well cared for is a reflection on the judicial process. In this, the Judiciary is exposed to criticism in the event that an individual is abused or neglected while subject to the care and protection of an appointed guardian.

The Office of the Public Guardian, in concert with the Public Guardian Review Board, the Superior Court of Guam, and the Supreme Court of Guam should embark upon a long-term strategy to upgrade both substantive and procedural law in guardianship, and upgrade the quality of services to these persons entrusted to our care.

Challenges and Accomplishments

Five years of service to the community, seeking to serve persons so needful that they are unable, unassisted, to manage their own affairs, has continued to clarify both strengths and weaknesses in the Office of the Public Guardian and in the community as a whole.

I have attempted in the body of this report to objectively set out the areas of the office operation that present challenges. These challenges are, for the most part, due to a need for additional staff resources to accomplish the work required of the office. Choices are necessarily made between tasks to be accomplished.

Important substantive change have been implemented by the Chief Justice to address some long standing problems. These change are expected to help a great deal, especially in the area of timely preparation and filing of mandated financial reports, and in the area of meeting the needs of those who are wards of the public Guardian. However, the Office of the Public Guardian will continue to have responsibility for statutory mandates which the office is unable to meet.

Aside from the priority to serve those to whom the Public Guardian has been appointed as guardian, greater flexibility needs to be exercised in deciding how to address mandated services. Some consideration should be given to the choices which are presented by these mandated services and the ways in which these services have been provided to date.

Therapeutic Home Care

_____ This office continues to recognize the need for more and better therapeutic home care, whether in the home of a family member, or outside of the family and in the community at large. This is our greatest systemic need. As an indication of the problem, a number of my wards continue to live in situations which are not appropriate for their needs. Although available services and resources are maximized to provide the best possible living arrangements for these individuals, there are clear gaps in needed services. This reality creates anxiety for staff of the Office of the Public Guardian.

I continue to work with service providers and policy makers to broaden the understanding of basic issues, such as gaps in funding residential services, and reasons why these gaps exist. The funding problem is key to narrowing or closing the gaps between what is needed and what is available. Programs utilized in the States to fund these services for persons who are poor are either not extended to Guam (Supplemental Security Income, as example) or are limited to Guam by capping the funds (Medicaid, as example).

The responsibility to fund these services has been left to the Government of Guam to address. Yet, the government is not funding these services. Many poor people who are disabled, or elder are left without the basic services they need in order to manage their personal care in the community. Basic services that are lacking include care attendants, supervised living settings, more comprehensive transportation services, sheltered care, recreation and vocational training.

The Office of the Public Guardian has developed materials to help educate the community of elders and persons with disability about the limited and restricted federal funding available to fund residential care. In addition, information about Guam's unique tax structure, with all federal taxes being left to the local

government, is helping people to appreciate the responsibility which has been left to the Government of Guam to fund these programs locally. Advocacy efforts will continue in the coming year.

APPENDIX I

MEMORANDUM

April 24, 2006

To: F. Philip Carbullido
Chief Justice of Guam

From: John Weisenberger
Public Guardian

Subject: **Detail on matters *Outside Scope of Services* in 2004**

Name	Case No.	Source Of Referral	Memo
M.C.	2005-029	Individual	Family retained an attorney and pursued guardianship.
M.M.	2005-034	DMH&SA	Family did not wish to proceed with any services.
A.G.	2005-041	S. Ct.	Referral concerned attempt to find 'lost' daughter.
D.V.	2005-049	CSS	Individual served under pre-existing open case.
M.A.	2005-085	CSS	Referring party requested to withdraw intake at this time.
J.S.	2005-089	Senator	Involved post-divorce relief.
B.C.	2005-093	GMH	Involved dispute between relative; not related to guardianship.
A.T.	2005-094	Private Healthcare	Client passed away before intake could be conducted.
D.M.	2005-101	CSS	Client's family did not desire any services.

Name	Case No.	Source Of Referral	Memo
Z.B.	2005-104	DMH&SA	Client passed away prior to intake.
Y.S.S.	2005-106	GMH	Individual served under pre-existing open case.
H.M.S.	2005-115	GMH	Client recovered from medical crisis and no service required.
G.M.	2005-117	Individual	Involved retirement matter.